THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.25523 of 1999

Dated:11.04.2007

Between:

Thaluru Toddy Tapers Cooperative Society,
Regd. No.1-2374, Sathanapalli Taluk, Guntur District,
represented by its President M.Venkateswarlu.

..... PETITIONER

AND

The Excise Superintendent, Guntur and others.

.....RESPONDENTS

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ORDER:

Petitioner is a Toddy Tapers Cooperative Society, registered on 08.09.1975. The area of operation of the petitioner-society consists of Parasa Thalloru, Parasa and Kasipadu village limits. It is alleged that there exists more than 600 trees on the roadside between Parasa Thalluru and Paras Bus stand on either side of the R & B Roadfrom Sathanapalli to Amaravathi. Therefore, the petitioner submitted a representation to the respondents requesting them to allot the trees. However, the respondents, by impugned notification dated 04.12.1999, proposed to auction the leaves and produce of the Palmyra trees situated within the area of operation of the petitioner-society. Subsequently, the members of the petitioner-society approached the second respondent requesting him not to auction the leaves of trees and produce of the trees, which are in area of operation of the petitioner, as the members of the society would not be able to tap toddy if the leaves

are cut. As no action was taken, they approached the Collector, Guntur, and the Collector made an endorsement on their representation directing the first respondent to consider allotment of sufficient trees to the petitioner society. It is their case that as per the policy of the Government, preference shall be given to the toddy tapers and no auction of the trees shall be conducted depriving them of their livelihood. They also stated in similar circumstances, this Court in a similar writ petition, being W.P.No.2050 of 1996, directed the authorities concerned to consider the claim of the society in accordance with the excise policy, and pursuant to that the respondents granted licences in favour of the society. In that view of the matter, the respondents are not justified in proposing to conduct auction depriving the livelihood of the members of the petitioner-society. Hence, this writ petition.

A counter is filed on behalf of the respondents stating that pursuant to the representation of the petitioner-society, the first respondent informed the third respondent on 15.12.1999 that all palm, dates, coconut and sago trees from which toddy can be drawn are treated as Excise trees as per Section 2(12) of the A.P. Excise Act, 1968 (for short "the Act") and as per Section 27 of the Act, no person shall, without permission of the Collector, cut down or destroy any Excise Trees. It is further stated that as per Rule (2) of Andhra pradesh Excise Owner's Rent Rules, 1968, no tree owner's rent be collected in respect of Excise trees standing in Government lands and allotted to the Tappers Co-operative Societies, and in view of the same, the first respondent requested the third respondent not to auction the Excise trees which have been allotted to the Toddy Tapers Cooperative Society and allow the members of Parasa Thalluru to tap trees situation within the area of their operation.

In the light of the stand taken by the respondents in their counter, the writ petition is allowed setting aside the impugned notification dated 04.12.1999. There shall be no order as to costs.

11.04.2007

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